



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 19, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

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## **MOTION TO INSTRUCT THE COUNTY'S SACRAMENTO ADVOCATES TO OPPOSE SB 450 (GALGIANI) WHICH WOULD AUTHORIZE A CITY OR COUNTY TO PROVIDE IMMUNITY TO A PROPERTY OWNER TO REMOVE A COLLECTION BOX FROM THEIR PRIVATE PROPERTY (AGENDA ITEM NO. 13, MEETING OF APRIL 23, 2013)**

Item No. 13 on the April 23, 2013 Agenda is a motion by Supervisor Antonovich directing the County's Legislative Advocates in Sacramento to oppose SB 450 (Galgiani), which would authorize a city or county to provide immunity to a property owner to remove a collection box from their private property.

### **Existing Law**

Existing law regulates the placement of unattended collection boxes and requires specified information, including the name, address, and telephone number of the collection box owner and operator, to be displayed on the front of each collection box.

### **Senate Bill 450 (Galgiani) - Unattended Collection Boxes**

SB 450 (Galgiani), as amended April 1, 2013, would authorize a city or county, by ordinance or resolution, to provide immunity from civil liability to property owners to remove a collection box from their private property. If a city or county opts to enact such a local ordinance or resolution, it must include provisions specifying that a private property owner:

- must send a written notice of removal five days in advance;

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- would not have civil liability immunity if he or she has given written consent for the collection box to be placed on their property; and
- may rescind a written consent they previously provided via written notice to the collection box owner or operator.

The bill would also require the local ordinance to specify that if a private property owner removes or disposes of a collection box, despite valid written consent at the time of removal, the owner would be civilly liable to the operator of the collection box for four times the amount of the towing and storage charges, or one thousand dollars (\$1,000), whichever is greater.

### **Analysis of SB 450**

County Counsel believes that the bill is likely unnecessary because existing law already allows a property owner to maintain his/her property in a manner he/she deems appropriate, which would include removing unwanted collection boxes. County Counsel also indicates that it is questionable whether a local ordinance could limit civil liability in the manner set forth in the bill.

Unattended collection boxes are generally used by charitable organizations to collect salvageable property such as clothes, books, and furniture for resale and distribution to the needy. The Department of Regional Planning (DRP) indicates that while they enforce zoning codes, which govern where structures or storage facilities (e.g. storage boxes), they do not authorize removal of such items from private properties. As such, this bill would not impact the Department's operation or how the County enforces zoning codes.

SB 450 is similar to AB 1978 of 2011, which was vetoed by Governor Brown and would have required a person to obtain a private property owner's written consent before a collection box is placed or maintained on that property. The bill would have provided liability immunity to property owners who remove a collection box. In his veto message, Governor Brown cited concerns of unintended consequences to local charities and nonprofits from the proposed legislation.

This measure is also similar to AB 2610 of 2008, which was vetoed by Governor Schwarzenegger and would have attempted to address the problems posed by unattended collection boxes with a combination of State standards, local enforcement, and defined penalties. In his veto message, Governor Schwarzenegger stated that AB 2610 was not a priority.

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SB 450 is set for hearing in the Senate Governance and Finance Committee on May 1, 2013.

SB 450 is supported by: the California Retailers Association; California Waste Recovery Systems, LLC; Council of California Goodwill Industries, among others. The bill is opposed by: 7<sup>th</sup> Generation Recycling; American Textile Recycling Services; California Police Chiefs Association, Inc., among others.

### **Conclusion**

There is no existing Board-approved policy related to providing private property owners immunity from civil liabilities. Therefore, opposition of SB 450, which would authorize a city or county to provide immunity to a property owner to remove a collection box from their private property, **is a matter of Board policy determination.**

We will continue to keep you advised.

WTF:RA  
MR:PC:ma

c: Executive Office, Board of Supervisors  
County Counsel